



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **S.384**, the “**YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006**”, and enrolled the bill for ratification. The bill provides that it is unlawful to sell a tobacco product to an individual who does not present upon demand proper proof of age. The bill provides that it is unlawful to sell a tobacco product through a vending machine unless the vending machine is located in an establishment: (1) which is open only to individuals who are eighteen years of age or older; or (2) where the vending machine is under continuous control by the owner, licensee, or employee, can be operated only upon activation by the owner, licensee, or employee before each purchase, and is not accessible to the public when the establishment is closed. The bill expands the current prohibition on furnishing tobacco products to underage individuals so as to provide that it is also unlawful to purchase a tobacco product for a minor under the age of eighteen or distribute a tobacco product to such a minor. An individual who violates these provisions is guilty of a misdemeanor and, upon conviction, must be fined: (a) for a first offense, not less than one hundred dollars nor more than two hundred dollars; (b) for a second offense, which occurs within three years of the first offense, not less than two hundred dollars nor more than three hundred dollars; (c) for a third or subsequent offense, which occurs within three years of the first offense, not less than three hundred dollars nor more than four hundred dollars. In lieu of the fine, the court may require an individual to successfully complete a Department of Alcohol and Other Drug Abuse Services approved merchant tobacco enforcement education program.

S.384 provides that a minor under the age of eighteen years must not purchase, attempt to purchase, possess, or attempt to possess a tobacco product, or present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing a tobacco product. A minor who knowingly violates this provision commits a non-criminal offense and is subject to a civil fine of twenty-five dollars. In lieu of the civil fine, the court may require a minor to successfully complete a Department of Health and Environmental Control approved smoking cessation or tobacco prevention program, or to perform not more than five hours of community service for a charitable institution. If a minor fails to pay the civil fine, successfully complete a required program, or perform the required hours of community service, the court may restrict the minor's driving privileges to driving only to and from school, work, and church, or as the court considers appropriate for a period of ninety days. If the minor does not have a driver's license or permit, the court may delay the issuance of the minor's driver's license or permit for a period of ninety days. A law enforcement officer may use a uniform traffic ticket for a violation of this provision. The law enforcement officer must immediately seize the tobacco product and notify a minor's parent, guardian, or custodian of the minor's offense, if reasonable, within ten days of the issuance of the uniform traffic ticket. This provision does not apply to the possession of a tobacco product by a minor working within the course and scope of his duties as an employee or participating within the course and scope of an authorized inspection or compliance check.

Jurisdiction to hear a violation of these provisions is vested exclusively in the municipal court and the magistrate's court.

S.384 also requires a retail establishment that distributes tobacco products to train all retail sales employees regarding the unlawful distribution of tobacco products to minors.

House Resolution **H.4575** was adopted setting **H.4450**, a joint resolution proposing an amendment to the Constitution of South Carolina relating to **PROPERTY TAX REFORM**, for special order on Wednesday, February 8, 2006. Under the resolution, **H.4449**, relating to statutory property tax reform, is set for special order immediately following second reading or other consideration of H.4450.

The House amended, approved, and sent to the Senate **H.4429**, regarding the **SCHOOL TERM**. This bill repeals current sections of law regarding school terms, makeup days, and minimum hours and use of school days. The bill provides each local school district board the authority to establish an annual school calendar for teachers, staff, and students. The bill provides that the statutory school term is 190 days annually and shall consist of a minimum of 180 days of instruction covering at least nine calendar months.

Beginning with the 2007-2008 school year, the bill provides that the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. The bill allows for three days for professional development; two days for preparation of opening of schools; and five days for teacher planning, academic plans, and parent conferences. The bill does not require uniformity of instructional hours in an instructional day among the schools in a district.

The bill requires that all school days missed because of snow, extreme weather conditions, or other disruptions must be made up, and provides for school districts to designate three days to be used in such instances as make-up days. If those designated days are no longer available, the local school board may lengthen the hours of school operation or operate schools on Saturday, as provided in the bill.

The bill allows the General Assembly by law to waive the requirements of making up missed days or, by law, to authorize the school board to forgive up to three days missed because of these weather conditions or other disruptions.

The bill requires that the instructional day for secondary students must be at least six hours a day, or its equivalent weekly, excluding lunch, and the school day for elementary students must be at least six hours a day or its equivalent weekly, including lunch. The bill allows elementary and secondary schools to reduce the length of the instructional day to not less than three hours on not more than three days each school year for staff development, teacher conferences, or the administering of certain examinations.

The bill requires that priority during the instructional day be given to teaching and learning tasks.

The bill authorizes and provides for the State Board of Education to waive the school opening date requirement on a showing of "good cause" or for an "educational purpose" as those terms are defined in the bill.

The House amended, approved, and sent to the Senate **H.4046**, a bill establishing a **TWELVE-YEAR REPLACEMENT CYCLE FOR THE STATE SCHOOL BUS FLEET** and providing for **GRANTS FOR TRANSPORTATION TO ALTERNATE PUBLIC SCHOOLS**. The bill provides that, with funds appropriated by the General Assembly, the State Board of Education shall implement a school bus replacement cycle to replace approximately one-twelfth of the fleet each year, resulting in a complete replacement of the fleet every twelve years. The bill also provides that, with funds appropriated by the

General Assembly, the department shall establish a grant program to fund transportation of students to alternate public schools such as charter schools, vocational second and third choice schools, magnet schools, Montessori schools, international baccalaureate schools, and English as a second language schools. Those districts having alternate public schools may apply to the department for grants funds to pay for the additional cost of transporting students to these schools.

The House amended **S.1026**, regarding **THE APPROPRIATION OF FUNDS TO PREVENT A DEFICIT IN THE GENERAL FUND** and returned the joint resolution to the Senate. This joint resolution appropriates \$104,934,400 from 2004-05 general fund surplus revenues for the purpose of preventing an accumulated Generally Accepted Accounting Principles (GAAP) deficit in that amount in the State General Fund. The resolution also **APPROPRIATES \$13,094,604 FROM FISCAL YEAR 2004-2005 STATE GENERAL FUND REVENUES TO THE STATE DEPARTMENT OF EDUCATION FOR SCHOOL BUS OPERATIONS**, to include the purchase of bus parts and fuel for the school bus fleet.

The House amended Senate amendments to **H.3381**, “**SOUTH CAROLINA LANDOWNER AND ADVERTISING PROTECTION AND PROPERTY VALUATION ACT**”, and returned the bill to the Senate. The legislation provides for the conditions under which a local governing body may require the removal of an off-premises outdoor advertising sign that is nonconforming under a local ordinance and otherwise regulate the use of billboards within its jurisdiction. In its amendment, the House eliminated a provision passed by the Senate under which a local governing body would not be authorized to issue a permit allowing any off-premises outdoor advertising sign for any period longer than ten years. The House retained a Senate provision that prohibits a billboard for an adult or sexually-oriented business from being located within one mile of a public highway. The House also retained, with certain revisions in terminology, criteria that the Senate added in provisions used for determining fair compensation.

The House approved **S.617** and enrolled the joint resolution for ratification. This joint resolution proposes an **AMENDMENT TO THE STATE CONSTITUTION AUTHORIZING THE INVESTMENT OF STATE RETIREMENT SYSTEMS FUNDS IN FOREIGN CORPORATIONS**. The legislation proposes to submit to the voters at the next general election the question of whether the provisions of the South Carolina Constitution relating to the equity securities investments allowed for funds of the various state-operated retirement systems should be amended so as to eliminate the restrictions limiting investments in equity securities to those of American-based corporations.

The House amended, approved, and sent to the Senate **H.4319**, relating to **FLAGS FLOWN AT HALF-STAFF ON THE STATE CAPITOL BUILDING**. This bill provides that the flags atop the State Capitol Building must be flown at half-staff for a period of 30 days from the date of death of the President or a former President; for a period of 10 days from the date of death of the vice president, the Chief Justice, or a retired Chief Justice of the United States Supreme Court, or the Speaker of the United States House of Representatives; and from the date of death through the date of internment of an associate justice of the United States Supreme Court, or a secretary of a federal executive or military department, or a former vice president. Upon the occurrence of an extraordinary event resulting in death or upon the death of a person of extraordinary stature, the bill provides that the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period

of time. The bill authorizes the Governor to order the flags atop the State Capitol Building to be lowered to half-staff for the same designated time when an act of the United States Congress or a presidential order is issued to lower flags to half-staff over federal buildings. The bill further provides that flags atop the State Capitol Building, when flown at half-staff must first be hoisted to the peak for an instant and then lowered to the half-staff position. The flags must be again raised to the peak before they are lowered for the day.

The House approved **S.947** and enrolled the joint resolution for ratification. This legislation provides for **REAUTHORIZATION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT** until July 1, 2013. (The 1999 Act includes a provision that the act is repealed July 1, 2007, unless reauthorized by the General Assembly.)

The House approved and sent to the Senate Joint Resolution **H.4406** also regarding **REAUTHORIZATION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT**. This joint resolution also reauthorizes the provisions of this act until July 1, 2013.

The House approved and sent to the Senate **H.4446**. This bill allows a **MORATORIUM ON STATE CORPORATE INCOME TAXES OR INSURANCE PREMIUM TAXES** to a taxpayer who makes a prescribed minimum investment in this State and who creates a prescribed minimum number of jobs in a qualifying county.

The House amended, approved and sent to the Senate **H.3414**, pertaining to the **TABULATION OF ABSENTEE BALLOTS**. The bill provides the tabulation and counting of absentee ballots may begin at 9:00 a.m. instead of 2:00 p.m. The bill further provides that the results of the tabulation must not be publicly reported until after the polls are closed.

The House approved and sent to the Senate **H.3720**. This bill relates to **ABSENTEE VOTING BY ARMED SERVICES PERSONNEL DURING A MILITARY EMERGENCY**. As used in this bill, 'emergency' means a war, conflict, military action, or military mobilization outside the continental United States in which United States forces are involved that would make it impractical for a South Carolina citizen serving in the United States armed services to register to vote or vote in person in the normal manner. The bill directs the State Election Commission to take all steps necessary including, but not limited to, electronic transmissions, to ensure that any out-of-state resident has the opportunity to receive and cast any ballot he would have been eligible to cast if he had resided and remained in South Carolina.

The House approved and sent to the Senate **H.3721**. This bill relates to **SUBSTITUTION OF A CANDIDATE WHERE THE PARTY NOMINEE DIES, BECOMES DISQUALIFIED, OR RESIGNS**. The bill requires the State Election Commission to review the withdrawal of a candidate in a multi-county election or an election for a member of the General Assembly.

The House amended, approved, and sent to the Senate **H.3882**, a bill providing for the issuance of **YEAR OF MANUFACTURE MOTOR VEHICLE LICENSE PLATES**. This bill provides that an owner of a motor vehicle that is thirty years old or older, may apply to the Department of Motor Vehicles to use a license plate issued by this State in the year corresponding to the model year of the vehicle, if the license plate is legible and

serviceable, as determined by the department. If the plate is approved, the applicant must submit the regular vehicle registration fee and the special license plate fee in order to have the plate registered for exclusive use on the corresponding vehicle. These fees are collected biennially for renewal. License plates registered in this way may only be transferred to vehicles of the same model year as year the license plate was originally issued.

The House approved and sent to the Senate **H.4513**. The **STUDY COMMITTEE ON CRIMINAL DOMESTIC VIOLENCE ISSUES** is scheduled to report its recommendations to the General Assembly by February 15, 2006. This bill extends the deadline for the report to the appropriate time after the committee has determined its recommendations.

The House approved and sent to the Senate **H.4533**, a bill authorizing a **STATE EMPLOYEE TO TRANSFER LEAVE TO EXTEND MATERNITY LEAVE**. The bill provides that a state employee may transfer an amount of the employee's accrued annual or sick leave to a specific employee of the same agency to be utilized for absences that have or will occur due to extended maternity leave. Limits are provided for such a transfer.

The House approved and enrolled for ratification **S.1074**, a bill authorizing name changes for the **TRI-COUNTY TECHNICAL AND COMMUNITY COLLEGE** Commission and District.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, January 31, 2006.

H.3881 received a favorable with amendment report. This bill enacts the "**SOUTH CAROLINA PRIORITY INVESTMENT ACT**." Current law provides that a local comprehensive plan of local planning commissions must include certain elements. This bill amends the housing element requirement so as to require an analysis to ascertain unnecessary housing regulatory requirements that add to the cost of developing affordable housing but are not necessary to protect the public. The bill further provides that the housing element must include an analysis of market-based incentives that may be made available to encourage development of affordable housing.

The bill requires these comprehensive plans to include a transportation element that considers transportation facilities, including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network.

The bill also requires these comprehensive plans to include a priority investment element that analyzes the likely federal, state, and local funds available for public infrastructure and facilities during the next 10 years and recommends the projects for expenditure of those funds during the next 10 years for needed public infrastructure and facilities such as water, sewer, roads and schools. The recommendation of those projects for public expenditure must be done through cooperation with adjacent and relevant jurisdictions and agencies.

The bill provides definitions for several terms related to these comprehensive plans, including: priority investment zone; affordable housing; market-based incentives; traditional neighborhood design; and unnecessary housing regulatory requirements.

H.4301, the “**PROTECTION OF PERSONS AND PROPERTY ACT**,” received a favorable report from the Judiciary Committee. The stated intent of the legislation is to codify the common law Castle Doctrine which recognizes that a person's home is his castle and to extend the doctrine to include an occupied vehicle and the person's place of business. Under certain circumstances, this bill authorizes the lawful use of deadly force against an intruder or attacker in a person's dwelling, residence, or occupied vehicle. The bill provides that there is no duty to retreat if the person is in a place where he has a right to be, including the person's place of business, and the use of deadly force is necessary to prevent death, great bodily injury, or the commission of a violent crime. A person who lawfully uses deadly force is immune from criminal prosecution and civil action and may not be arrested unless probable cause exists that the deadly force used was unlawful.

S.141, relating to the **REQUIREMENTS FOR A NAME CHANGE**, received a favorable with amendment report. This bill provides that a petitioner seeking a name change who requests a background check from a law enforcement agency shall sign an affidavit stating he has never been convicted of a crime under a name other than the name in which he is making the request. A surrogate or person representing a petitioner over the age of 18 shall not be allowed to sign the affidavit. The bill provides that a person who knowingly and willfully falsifies the affidavit, upon conviction, must be fined not more than \$100 dollars or imprisoned for not more than six months, or both. The bill further provides that a person convicted of an offense requiring registration with the State Law Enforcement Division's Sex Offender Registry, and who knowingly and willfully falsifies the affidavit in order to obtain employment, including employment with a child day care center, or other entity that cares for vulnerable individuals, upon conviction, must be imprisoned for a period of not more than ten years. These provisions do not apply to a person who wishes to resume her maiden name as a result of a domestic action filed in family court. A family court judge may authorize a name change for a person wishing to resume her maiden name in another order including, but not limited to, an order for separate support and maintenance or a final divorce decree.

The Judiciary Committee gave a favorable with amendment report to **S.293**. This bill allows an **OFFICER EMPLOYED BY A GEORGIA OR NORTH CAROLINA LAW**

ENFORCEMENT AGENCY TO ENTER SOUTH CAROLINA IN FRESH PURSUIT OF A PERSON WHO IS IN FLIGHT from the commission of a criminal offense in the neighboring state and to arrest the person. The bill provides for procedures to (1) determine the lawfulness of the arrest, (2) the release of the person arrested, and (3) the extradition of the arrested person. This provision applies only to law enforcement officers employed by Georgia or North Carolina when the state has enacted a provision similar to this section relating to the arrest and custody of a person pursued into a neighboring state. The authority granted by provision is limited to criminal offenses of the pursuing state that also are criminal offenses under the laws of South Carolina and that are punishable by death or imprisonment in excess of one year under the laws of the pursuing state.

H.4239, relating to **DUAL OFFICE HOLDING**, received a favorable report from the full committee. This joint resolution proposes to submit to voters at the next general election whether or not to amend the State Constitution so that the prohibition against holding two offices does not apply to commissioned law enforcement officers employed by a county and municipal police officers employed in a county in which they do not reside who hold another office.

The full committee gave a favorable with amendment report to **H.4319**, relating to **FLAGS FLOWN AT HALF-STAFF ON THE STATE CAPITOL BUILDING**. This bill provides that the flags atop the State Capitol Building must be flown at half-staff for a period of 30 days from the date of death of the President or a former President; for a period of 10 days from the date of death of the vice president, the Chief Justice, or a retired Chief Justice of the United States Supreme Court, or the Speaker of the United States House of Representatives; and from the date of death through the date of internment of an associate justice of the United States Supreme Court, or a secretary of a federal executive or military department, or a former vice president. Upon the occurrence of an extraordinary event resulting in death or upon the death of a person of extraordinary stature, the bill provides that the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time. The bill authorizes the Governor to order the flags atop the State Capitol Building to be lowered to half-staff for the same designated time when an act of the United States Congress or a presidential order is issued to lower flags to half-staff over federal buildings. The bill further provides that flags atop the State Capitol Building, when flown at half-staff must first be hoisted to the peak for an instant and then lowered to the half-staff position. The flags must be again raised to the peak before they are lowered for the day."

The full committee adjourned debate on the following bills:

- **H.3831**, relating to **ALTERNATIVE POLLING PLACES IN THE CASE OF AN EMERGENCY**
- **H.4318**, relating to **ORDERS OF PROTECTION FROM DOMESTIC ABUSE**

H.3167, relating to **VOTING REQUIREMENTS IN PRIMARY ELECTIONS OR A PARTISAN ADVISORY REFERENDUM**, was tabled by the full Judiciary Committee.

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, January 31, 2006.

H.3921 received a favorable with amendment report. This bill requires **MOBILE DENTAL FACILITIES** to register with the Board of Dentistry (Board). A mobile dental facility registrant is required to:

- have a licensed dentist responsible for services provided,
- ensure dental services are provided by a person authorized by law to provide them,
- display each dentist's and dental hygienist's license in view of the patients,
- maintain a confidential record documenting the location, date, time, and services provided to each patient,
- have written procedures for emergency and follow-up patient care,
- have means to call for help in a medical or dental emergency,
- ensure the facility complies with federal, state, and local laws on health, safety, sanitation, zoning, and business permits and have a working carbon monoxide detection device,
- give each patient an information sheet with contact information, names of dental staff who provided services, description treatment rendered, and recommendation for treatment at another facility if additional treatment needed,
- maintain patient records and give the Board at least 30 days notice if the records are to be transferred.

H.3921 further provides that a person or entity not registered with the Board is not entitled to compensation for services.

H.3993 received a favorable report from the committee. This bill establishes state **EDUCATION STANDARDS FOR VOCATIONAL REHABILITATION COUNSELORS EMPLOYED BY THE DEPARTMENT OF VOCATIONAL REHABILITATION**. In absence of a state standard, federal law requires these counselors to have a Master's degree in rehabilitation counseling. The standards in this bill are broader than the federal standard and allow a counselor to have a Master's degree in a related field with relevant coursework. The broader education standard allows the Department of Vocational Rehabilitation the option to hire a less expensive candidate with another Master's degree and pay for relevant coursework when necessary instead of paying the employee to receive a Master's in rehabilitation counseling.

H.4313, which establishes a "**VIETNAM VETERANS SURVIVORS DAY**," was recommitted to Subcommittee IV.

The full committee adjourned debate on the following bills:

- **H.3254**, the “**REGISTERED SURGICAL TECHNOLOGIST AND LICENSED SURGICAL ASSISTANT PRACTICE ACT**”
- **H.4092**, relating to the **SOUTH CAROLINA BOARD OF LONG TERM CARE ADMINISTRATORS**

WAYS AND MEANS

The full Ways and Means Committee reported favorable with amendment on **S.1026**, regarding **THE APPROPRIATION OF FUNDS TO PREVENT A DEFICIT IN THE GENERAL FUND**. As reported by the Committee, this joint resolution appropriates \$104,934,400 from 2004-05 general fund surplus revenues for the purpose of preventing an accumulated Generally Accepted Accounting Principles (GAAP) deficit in that amount in the State General Fund. The resolution also **APPROPRIATES \$13,094,604 FROM FISCAL YEAR 2004-2005 STATE GENERAL FUND REVENUES TO THE STATE DEPARTMENT OF EDUCATION FOR SCHOOL BUS OPERATIONS**, to include the purchase of bus parts and fuel for the school bus fleet.

The Committee reported majority favorable with amendment, minority unfavorable, on **H.4449**, regarding **PROPERTY TAX REFORM**. As reported by the Committee, this bill:

- Imposes an additional two cents sales tax, effective June 1 of the year in which the accompanying Constitutional amendment (**H.4450**-see summary below) is ratified; the additional revenue must be put into the Homestead Exemption Trust Fund;
- Removes the sales tax on unprepared food; For local option sales taxes imposed before May 31 of the year in which the accompanying Constitutional amendment is ratified, the local option sales tax on food will remain in effect until the local option tax expires;
- Establishes the Homestead Exemption Trust Fund Reserve; any revenue in excess of the Board of Economic Advisors' estimate for the additional two cents sales tax must be deposited in this account; If the amount of revenue generated in any fiscal year is less than the estimate, this reserve fund must be used first to offset the deficit; If any additional monies are available in the fund, it may be transferred by the Budget and Control Board to reimburse distributions made by the general fund to supplement distributions made from the Homestead Exemption Trust Fund;
- Beginning with the year this item takes effect, owner-occupied residential property is exempt from all property taxes other than those imposed for the repayment of general obligation debt;
- After the base tax year, assessed value for a property will be its fair market value as appraised when ownership of the property was transferred. This amount will be increased to reflect the fair market value of substantial improvements at the time the improvement is made.

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- Ownership of the property is not considered to have been transferred in the event of the following transactions (which are also not subject to federal income tax:
 - transfer to a spouse or surviving spouse;
 - transfer between an owner and insurance company for the purpose of rebuilding;
 - transfer between spouses incident to a divorce;
 - transfer to a controlled corporation;
 - distribution by a controlled corporation;
 - corporate reorganizations;
 - nonrecognition of gain or loss on a contribution to a partnership.
- The base tax year for establishing fair market value is 2006.
- Assessors and other staff responsible for assessment of property for tax purposes are required to receive nine hours of instruction each year regarding certain functions related to the assessor's office. This instruction must be provided by the Department of Revenue (DOR) or providers approved by DOR.
- The sales tax exemptions will be reviewed by the General Assembly at its 2010 session and at its session every ten years thereafter.
- During 2007, property taxing entities other than school districts will be reimbursed from the Homestead Exemption Fund on a dollar for dollar basis. The Comptroller General shall pay these reimbursements on or after January 1, 2008, upon application of the property taxing entity.
- Beginning January 1, 2008, property taxing entities other than school districts must be reimbursed from the Homestead Exemption Fund upon application of the taxing entity in an amount equal to the amount distributed in the previous year plus the annual reimbursement increase.
- Beginning with the 2008 reimbursements to **all** State property taxing entities, reimbursements must be increased annually by an inflation factor equal to the percentage increase in the Consumer Price Index (CPI) plus the percentage increase in the previous year in the population of the entity, as provided in the bill;
- For the period January through December 2007, school districts must be reimbursed from the Homestead Exemption Fund dollar for dollar. The Comptroller must pay these reimbursements on or after January 1, 2008, upon application of the school district;
- Beginning January 1, 2008, school districts must be reimbursed upon application of the school district in an amount equal to the amount distributed in the previous year plus the annual reimbursement increase. The reimbursement increases of the school districts shall be aggregated and the increase a particular district receives for that year shall be equal to an amount that is the district's proportionate share of these funds based on the district's weighted pupil units as

a percentage of statewide weighted pupil units pursuant to the Education Finance Act. No district shall receive less reimbursement beginning in 2008 than it received in 2007.

- Beginning in 2007, property taxing entities may increase property tax millage on all classes of real and personal property for general operating purposes, except owner-occupied residential property, above that levied the previous year by an inflation factor equal to the increase in the previous year of the CPI plus the percentage increase in the previous year in the population of the entity. Any millage increase above this limitation requires a supermajority vote of the governing body of the entity - an affirmative vote by 75% of the total membership of the governing body of the entity.
- The minimum state funds a district shall receive in any year is forty percent of the applicable year's base student cost.

The Committee reported favorable on **H.4450**, a resolution proposing a **CONSTITUTIONAL AMENDMENT REGARDING PROPERTY TAX REFORM**. This joint resolution proposes to amend the South Carolina Constitution as follows:

- An amendment which would provide that the fair market value of real property for property tax purposes means its fair market value when ownership of the property was last transferred, increased by the fair market value of improvements made to the property since its ownership last was transferred; the amendment also allows the General Assembly to define by statute an ownership transfer, and an improvement to real property, and to provide a base year for determining initial fair market value.
- An amendment which provides for an additional homestead exemption over and above the current exemption, equal to one hundred percent of the fair market value of a homestead as prescribed by the General Assembly by law; this exemption would not apply to property tax imposed for payment of general obligation debt.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4545 *SOLID WASTE LANDFILLS* Rep. Sinclair

This bill provides that a landfill in existence as of July 1, 2006, may not expand the volume of an existing landfill or construct a new landfill unless it meets demonstration of need requirements promulgated in regulation by the South Carolina Department of Health and Environmental Control. The bill prohibits granting a variance for such expansion or new construction.

H.4546 *REGIONAL SOLID WASTE LANDFILLS* Rep. Sinclair

This bill provides that no more than 50 percent of the waste received by a regional solid waste landfill, initially permitted after June 30, 2006, may be generated outside the county in which the landfill is located.

H.4571 *SALT WATERS FISHING* Rep. Barfield

The bill allows recreational fisherman to use a certain gill net to take shad or herring. This bill includes gigs and the following gill nets (a single lawful gill net of not more than 100 feet in length; a single lawful shad gill net; and single lawful herring gill net) in the list of permitted fishing devices that a person may use in the salt waters of this State for recreational purposes. This bill also provides exceptions to the requirement that a person be a commercially licensed saltwater fisherman in order to obtain certain marine resource permits.

H.4572 *GAME ZONE REVISIONS* Rep. Witherspoon

Currently, the State is divided into 11 game zones. This bill reduces the number of game zones from 11 to six. Along with the revised boundaries of the game zones, the bill also amends various game hunting seasons and requirements.

H.4574 *SOLID WASTE LANDFILLS IN SPARTANBURG COUNTY* Rep. Sinclair

This bill provides that a landfill in existence in Spartanburg County as of July 1, 2006, may not expand the volume of an existing landfill or construct a new landfill unless it meets demonstration of need requirements promulgated in regulation by the South Carolina Department of Health and Environmental Control. The bill prohibits granting a variance for such expansion or new construction.

H.4578 *COASTAL CRITICAL AREAS* Rep. Loftis

The South Carolina Department of Health and Environmental Control has sole authority to permit or deny alterations or utilizations within coastal critical areas. This bill provides that the department must make available a draft permit to the applicant prior to issuance of the permit. The bill further provides that the applicant has 10 days to respond to the department regarding the conditions of the draft permit.

EDUCATION AND PUBLIC WORKS

H.4548 TEACHER LOAN REPAYMENT PROGRAM Rep. Moody-Lawrence

For purposes of the State Board of Education's statutory duty to provide a teacher loan repayment program for residents who will become employed in South Carolina's "areas of critical need," this bill provides that guidance must be included as a critical-need subject area.

H.4600 STUDENT RETENTION IN PRESENT GRADE Rep. Whipper

This bill provides that no student enrolled in grades 7-12 may be retained in his present grade for the next school year either at his current school or at another school other than for academic or health reasons which are documented as provided in the bill. The bill further provides that health reasons do not include those relating to the athletic abilities of the student.

H.4601 EMPLOYMENT OF TEACHERS RELATED TO BOARD MEMBERS Rep. Huggins

For purposes of determining the employment of a teacher whose immediate family member serves on the board of trustees of a school district, this bill includes "spouse" in the definition of immediate family member.

JUDICIARY

H.4552 LABELING OF TOYS AND TABLEWARE WITH LEAD WARNINGS Rep. Davenport

This bill requires the labeling of toys and tableware with warnings about excessive levels of lead. The bill provides criminal penalties for violations.

H.4557 INCREASED PENALTIES FOR CERTAIN SEXUAL OFFENSES AGAINST MINORS Rep. Coates

This bill provides that the mandatory minimum penalty for criminal sexual conduct with a minor in the first degree is 25 years. For the offense of committing or attempting a lewd act upon a child under 16, this bill provides a mandatory minimum penalty of one year; the bill clarifies that the fine for this offense is in addition to imprisonment.

H.4559 VACANCIES IN AN ELECTED OR APPOINTED OFFICE Rep. G.R. Smith

This bill provides a uniform method of filling vacancies in an elected or appointed office when a person moves his residence outside of the area from which he was elected or appointed.

H.4579 SCHOOL BOARD ELECTIONS AND SCHOOL BOND ELECTIONS Rep. Merrill

In a school district where school board members are elected, this bill provides that the election must be held on the second Tuesday of November, except in the case of a special election, which may be held whenever one is necessary. This bill further provides that a school bond election must be held on the second Tuesday of November.

**H.4582 "THE CLANDESTINE METHAMPHETAMINE LAB SITE
REMEDATION**

ACT" Rep. Leach

This bill enacts "The Clandestine Methamphetamine Lab Site Remediation Act" so as to require law enforcement to quarantine property on which a lab is operated for the unlawful manufacturing of methamphetamine. The bill requires law enforcement to file a notice of a methamphetamine lab site quarantine with the register of deeds for recording and to submit a list of methamphetamine lab sites to the Department of Health And Environmental Control (DHEC). DHEC is required to maintain a listing of these properties, which must be made available to the public, and to register persons and entities engaging in cleanup and remediation of methamphetamine lab sites. DHEC is responsible for developing guidelines for remediation. The bill requires property owners to remediate such property on which methamphetamine lab sites are operated and to authorize persons convicted of manufacturing methamphetamine to pay restitution for expense incurred by public entities for emergency responses to such sites and to property owners for remediation.

H.4583 ADOPTIONS PROCEDURE STUDY COMMITTEE Rep. Leach

This bill establishes the Adoptions Procedure Study Committee. The committee shall study and keep abreast of issues and problems in the South Carolina adoption process and procedures in an effort to make this an efficient and expeditious process for South Carolina's waiting children and families to ensure permanent homes can be located in a timely manner. Issues that the committee shall study include, but are not limited to, termination of parental rights. The committee shall annually report its findings and recommendations to the General Assembly.

**H.4584 CHILD ABUSE AND NEGLECT AND METHAMPHETAMINE
Rep. Leach**

This bill provides that child abuse and neglect includes knowingly exposing a child to chemicals that have the capacity to interfere with normal physiological functions, including during the manufacturing of methamphetamine. The department of social services must make reasonable efforts to preserve or unify the family; this bill so provides as an exception to this reunification requirement that the parent has knowingly exposed a child to chemicals that have the capacity to interfere with normal physiological functions, including during the manufacturing of methamphetamine. The bill further provides that exposing a child to chemicals that have the capacity to interfere with normal physiological functions, including during the manufacturing of methamphetamine is a ground for termination of parental rights.

H.4591 VOTER REGISTRATION Rep. Altman

This bill requires a county board of registration to reject an application for voter registration, if it is not accompanied by satisfactory evidence of United States citizenship and South Carolina residency. The bill authorizes the State Election Commission to approve documents that establish satisfactory evidence of United States citizenship and South Carolina residency; there are exceptions for persons currently registered to vote.

**H.4592 MEMBERSHIP ON REGIONAL COUNCILS OF GOVERNMENT
Rep. Barfield**

If an elected official is defeated in his bid for reelection, this bill provides that he is no longer a member of the policymaking board of a regional council of government and further that he must be replaced pursuant to the provisions of the bylaws.

LABOR, COMMERCE AND INDUSTRY

H.4567 LOCKSMITH AGENCIES Rep. Umphlett

This bill provides for the licensure and regulation of locksmith agencies. The legislation requires employee registration and signed work order forms when opening residences, commercial establishments, and motor vehicles. Penalties are provided for certain violations.

H.4595 RESIDENTIAL HEATING AND AIR CONDITIONING BUSINESS

Rep. Cato

This bill prohibits a person from engaging in the business of residential heating and air conditioning contracting unless licensed as a residential specialty contractor. The legislation prohibits providing a potential buyer a proposal for sale or installation of residential heating and air conditioning, other than a written estimate, before the specifications for the system have been reviewed and approved by a licensed employee of the retail seller, or the retail seller. The bill further specifies contract requirements for the sale and installation of a heating and air conditioning system and authorizes the Department of Labor, Licensing and Regulation to promulgate regulations establishing a civil penalty for violations.

H.4598 FAILURE TO WITHHOLD WORKERS' COMPENSATION PAYMENTS FROM ILLEGAL ALIENS Rep. Davenport

This bill establishes a penalty for an employer who does not withhold workers' compensation payments from illegal aliens and provides that the assets of the employer to be seized to pay the fine.

H.4599 CARDIAC INCIDENTS OF EMERGENCY MEDICAL SERVICE PERSONNEL PRESUMED EMPLOYMENT-RELATED UNDER WORKERS'

COMPENSATION LAW Rep. Davenport

This bill provides that, under certain conditions, a cardiac-related incident resulting in impairment or injury to an emergency medical service personnel resulting in total or partial disability, or death, is presumed to have arisen out of and in the course of employment under South Carolina Workers' Compensation Law.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4560 COSMETOLOGISTS CONTINUING EDUCATION REQUIREMENTS

Rep. Bales

This bill exempts a person who has held a cosmetologist license for at least 15 consecutive years and is 75 years of age or older or has held continuous licensure for at least 30 years, is 50 years old, and who has not been disciplined by the Board of Cosmetology from taking the continuing education courses. The bill further provides that upon approval by the board, an attendance form may be obtained giving continuing education credit for attendance at trade show cosmetology-related instructional programs.

WAYS AND MEANS

H.4544 RETIREMENT CONTRIBUTIONS FOR CERTAIN RETIREES AND TERI PROGRAM PARTICIPANTS Rep. Sinclair

This joint resolution provides that persons who began participation in the Teacher and Employee Retention Incentive (TERI) Program before July 1, 2005, or who were reemployed retirees under the South Carolina Retirement System (SCRS) or the South Carolina Police Officers Retirement System (SCPORS) before July 1, 2005, are exempt from the payment of employee retirement contributions with respect to employment after June 30, 2005. The resolution provides that the exemption continues through the termination of TERI participation and while a reemployed retiree remains in the position held before July 1, 2005. The resolution requires the SCRS and SCPORS to refund without interest the employee contributions made by these employees receiving the exemption.

H.4547 CHARITABLE ORGANIZATIONS Rep. Sinclair

This bill requires and provides for charitable organizations that receive more than \$500,000 in gross support and revenue during a fiscal year to submit a complete audited financial statement together with its annual financial report. The bill requires and provides for a charitable organization that receives more than \$200,000, but not more than \$500,000 in gross support and revenue during a fiscal year to submit a financial statement, instead of an audited financial statement, together with an independent certified public accountant's review report.

**H.4555 TAX CREDIT FOR PAYMENT OF LONG-TERM
CARE INSURANCE PREMIUM Rep. Altman**

This bill allows and provides for a resident taxpayer a state individual income tax credit for premiums paid for long-term care insurance. The maximum credit allowed would be \$250 for each qualified beneficiary.

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